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ABSTRACT

This speech reports on the underground press--almost every kind of unofficial publication--reviews case law governing those publications, and suggests administrative guidelines for governing and regulating unofficial publications. The author suggests that although courts are beginning to apply adult standards of responsible journalism to student publications, the responsibility of school administrators remains in a state of confusion and that general guidelines be established to categorize as unacceptable all libelous, obscene, scandalous, or clearly provocative material. School administrators, according to the author, continue to have the authority and the duty to provide an orderly educational atmosphere free from constant turmoil and distraction. Sample school codes governing student publications are provided. (Author/JF)

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A LEGAL ANALYSIS OF THE UNDERGROUND PRESS

104th ANNUAL CONVENTION
AMERICAN ASSOCIATION OF SCHOOL ADMINISTRATORS

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THE UNDERGROUND PRESS, A TERM THAT HAS COME TO INCLUDE ALMOST ANY KIND OF UNOFFICIAL PUBLICATION, NOW NUMBER IN EXCESS OF 3,000 SEPARATE PUBLICATIONS ACROSS THE COUNTRY. THEY ARE STILL GENERALLY BEING PRODUCED IN MAKESHIFT PRINTING HOUSES, TEENAGE ATTICS AND BASEMENTS. THIS UNOFFICIAL PRESS, HOWEVER, HAS EVOLVED FORMAL AGENCIES SUCH AS THE COOPERATIVE HIGH SCHOOL INDEPENDENT PRESS SYNDICATE, THE UNDERGROUND PRESS SYNDICATE, THE STUDENT INFORMATION CENTER, THE LIBERATION NEWS SERVICE, THE PACIFIC PRESS SYNDICATE, AND THE NEWS SERVICE FOR HIGH SCHOOL UNDERGROUND THAT PROVIDE FORMAL ADVICE, DIRECTION, LEGAL AND PRINTING INFORMATION AND SUBJECT MATTER FOR INDIVIDUAL NEWSPAPERS.

GENERALLY, THE CONTENT AND FORM OF THESE "UNDERGROUND" PUBLICATIONS CONTINUES TO BE ANTI-ESTABLISHMENT. ANY SUBJECT SEEMINGLY GUARANTEED TO EVOKE IRRITATION AND DISCOMFORT FOR SCHOOL AUTHORITIES; ADMINISTRATORS, PARENTS, AND THE ADULT COMMUNITY GENERALLY IS USUALLY GOOD COPY. THE SUBJECTS INCLUDE DRUGS, SEX, REVOLUTION, CIVIL RIGHTS, ANTI-VIETNAM AND, PERHAPS MOST IRRITATING, INTENSE CRITICISM OF SCHOOL ADMINISTRATORS. AN INTERESTING OBSERVATION, I BELIEVE, IS THE CONSISTENT TENDENCY TO GIVE FRONT-PAGE SPACE TO THOSE SUBJECTS THAT FOR ONE REASON OR ANOTHER DO NOT NORMALLY FIND THEIR WAY INTO THE OFFICIAL SCHOOL PRESS. MORE IMPORTANTLY, THESE SUBJECTS ARE DESCRIBED AND HANDLED IN A WAY THAT IS NOT "ACCEPTABLE" TO MOST OFFICIAL, CONVENTIONAL, STUDENT PUBLICATIONS. OBVIOUSLY, A BROADLY-BASED STUDENT NEED IS NOT BEING FULFILLED BY OUR OFFICIAL PUBLICATIONS.

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THEREFORE, WE ARE TALKING ABOUT A PUBLICATION THAT (1) DEALS WITH SUBJECTS NOT NORMALLY DEALT WITH IN THE OFFICIAL PUBLICATION, AND (2) DEALS WITH THESE SUBJECTS IN A LANGUAGE AND A MANNER THAT IS COMMON TO MANY YOUNG STUDENTS.

SEVERAL SCHOOLS HAVE ATTEMPTED TO MEET THIS "CHALLENGE" BY RE-EVALUATING THEIR CONVENTIONAL SCHOOL PUBLICATIONS. IN ORDER TO PROVIDE A BRIEF REVIEW OF CURRENT JUDICIAL ATTITUDE ON THE SUBJECT, AND SOME FAMILIARITY WITH THE APPROACH OF SOME SCHOOLS TO THE PHENOMENON, I WILL CITE AND DISCUSS REPRESENTATIVE CASES AND SCHOOL CODES FROM SUCH DISPARATE STATES AS CALIFORNIA, NEW JERSEY, VIRGINIA, AND SEATTLE, WASHINGTON, TOGETHER WITH THE AMERICAN BAR ASSOCIATION POSITION STATEMENT.

CASE LAW

ALTHOUGH THE CASES INCLUDED WITHIN THIS REPORT MUST BE READ IN THE LIGHT OF THE U. S. CONSTITUTION AND PERTINENT STATE STATUTES, THEY DO ILLUSTRATE A WILLINGNESS ON THE PART OF OUR JUDICIARY TO CLOSELY EXAMINE THE PROCEDURES AND REGULATIONS AND ATTITUDES OF OUR SCHOOLS REGARDING STUDENT PUBLICATIONS AND TO HEAR AND RESOLVE THOSE ISSUES WHERE RIGHTS TO PRIVACY ARE INFRINGED. THIS EMERGING AREA OF THE LAW IS FAR FROM SETTLED, BUT CERTAIN JUDICIAL TRENDS CONSISTENT WITH THE GENERAL ~~CHALLENGE TO THE CONCEPT~~ decline of the Doctrine OF "IN LOCO PARENTIS" ARE BEGINNING TO EMERGE. ALTHOUGH THE COURTS ARE MORE AND MORE BEGINNING TO APPLY ADULT STANDARDS OF RESPONSIBLE JOURNALISM TO STUDENT PUBLICATIONS, THE ~~ISSUE OF THE~~ RESPONSIBILITIES AND AREAS OF AUTHORITY OF SCHOOL ADMINISTRATORS REMAINS IN A STATE OF CONSIDERABLE CONFUSION.

(1) Content - Censorship

Freedom of communication in unofficial publications for high school students was clearly affirmed in the well known and major Illinois case, Scoville v. Board of Education of Joliet Township High School District 204 (Ill.) 425 F2d 10 (1970). This high school publication, Grass High, charged that (the school administrations are) "utterly idiotic" and "asinine."- - that "(the) whole system of education with all its arbitrary rules and schedules seems dedicated to nothing but wasting time.", and one high school official in particular has a "sick mind." An editorial encouraged all students in the future either to refuse to accept or to destroy upon acceptance all propaganda that the administration published.

Although the lower court sustained the school board's decision to expel the students who distributed the publication, saying, " . . . Despite the First Amendment, speech may be regulated where there is a 'clear and present danger' that substantive evil will result . . .", the Court of Appeals overturned the decision, stating:

> " Plaintiff's [the student's] freedom of expression was infringed by the [school] Board's action, and defendants [school board] had the burden of showing that the action was taken upon a reasonable forecast of a substantial disruption of school activity ....The criticism of the [school's] disciplinary policies and the mere publication of that criticism...leaves no room for *reasonable inference* [emphasis added] justifying the Board's action .... "

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In a very similar New York case, Schwartz v. Schuker, 298 F. Supp. 238 (New York, 1969), the U.S. District Court upheld the school board in its expulsion of a high school student for activities growing out of distribution of copies of an underground newspaper off school grounds, but near the school building. The newspaper generally depreciated school officials and frequently used filthy language. Again the student's claim was violation of his right to free speech.

Unlike the decision in the Scoville case, the court sustained the suspension, and in so doing, made an important distinction between high school and college students.

> The freedom of speech and association protected by the First and Fourteenth Amendments are not 'absolute' and are subject to constitutional restrictions for the protection of the social interest in government, order and morality.... The activities of high school students do not always fall within the same category as the conduct of college students, the former being in a much more adolescent and immature stage of life and less able to screen facts from propaganda.

The court concluded:

> While there is a certain aura of sacredness attached to the First Amendment, nevertheless, the First Amendment rights must be balanced against the duty and obligation of the state to educate students in an orderly and decent manner to protect the rights not of a few but of *all* [emphasis added] the students in the school system. The line of reason must be drawn somewhere in this area of ever expanding permissibility. Gross disrespect and contempt for the officials of an educational institution may be justification not only for suspension but also expulsion of a student.

Censorship of student publications was also the issue in *Korn v. Elkins*, 317 F. Supp. 138 (Maryland, 1970). In upholding the student's right to publish an illustration, the court applied the standard used by the U.S. Supreme Court in *Street v. New York*, 394 U.S. 576 (1969). There, the Supreme Court delineated several reasons which could be considered sufficient cause to curtail freedom of expression: (1) prevention of incitement of others to commit unlawful acts, (2) prevention of the utterance of words so inflammatory they provide for physical retaliation, (3) protection of the sensibilities of others, and (4) assurance of proper respect for the national emblem.

4 justifications

(2) Prior Approval and Distribution

Eisner et al. v. Stamford Board of Education et al., Civ. No. 35345 (Connecticut, 1971) affirmed a lower court decision upholding the right of high school students to distribute a student newspaper without prior approval of its contents.

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Although the lower court declared the regulations a "classic example of prior restraint of speech" and lacking procedural safeguards, the circuit appeals court affirmed the decision only on the point that the regulations failed to provide for an adequate "review procedure." The court said that certain communications, e.g., libel, profanity, obscenity, or "fighting words" (those that incite confrontation) could be subject to prior restraint. The key test, it added, would be whether the school regulations were directed to one of these categories of permissible prior restraint.

The court in the *Eisner* decision cited the now famous Supreme Court case *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969) in reaching its decision that the regulation was clearly unconstitutional because it failed to proscribe an acceptable review procedure for the prior submission of material. The procedure failed in the following ways: lack of a specific time period for acceptance or rejection of material; no indication of to whom and in what manner material should be submitted for clearance; and absence of a clear definition of the term "distributing." In the court's words:

> This lawsuit arises at a time when many in the educational community oppose the tactics of the young in securing a political voice. It would be both incongruous and dangerous for this court to hold that students who wish to express their views on matters intimately related to them, through traditionally accepted nondisruptive modes of communication, may be precluded from doing so by that same adult community.
>
> We assume, therefore, that the Board contemplates that it will require prior submission only when there is to be a *substantial* distribution of written material, so that it can reasonably be anticipated that in a significant number of instances there would be a likelihood that the distribution would disrupt school operations.

This decision must be read in the light of earlier important court pronouncements: *Dickey v. Alabama Board of Education*, 273 F. Supp. 613 (Alabama, 1967) in which the court ruled that a student newspaper editor at a public school *could not* be punished or expelled for violating a college rule that prohibited criticism of the state governmert; *Zucker v. Panitz*, 299 F. Supp. 102 (New York, 1969), in which it was ruled that refusing political advertisement--"The United States is pursuing a policy in Vietnam which is both repugnant to moral and international law and dangerous to the future of humanity. We can stop it. We must stop it."--and accepting commercial advertising, violated the First Amendment as censorship of a certain class of ideas. Similar views were expressed by the court in *Lee v. Board of Regents of State Colleges*, Nos. 18404 and 18405 (7th Circ., 1971) and in *Autonelli v. Hammond*, 308 F. Supp. 1329 (Massachusetts, 1970).

Riseman v. School Committee of the City of Quincy, No. 7715 (1st Circ., March 11, 1971) considered the right of a high school student who was prevented from distributing political literature (anti-Vietnam) on school property during

school hours because of a regulation prohibiting use of school facilities "in any manner for advertising or promoting the interests of any community or non-school agency without the approval of the School Committee." The court struck down the regulations and allowed distribution in buildings in an "orderly and not substantially disruptive" manner, excluding distribution in classes or study periods. *The court clearly sustained the principal's authority to promulgate time, place, and manner of such distribution,* provided, however, that advance approval of the content of the communication was not required.

(3) High School - College Students Distinguished

An important case because of the distinction drawn between students of different ages and maturity is *Katz v. McAulay,* No. 35144 (2nd Cir. Feb. 11, 1971). In this case, high school students were under threat of expulsion for soliciting funds on school grounds for the defense of the "Chicago Eight." Handbills for this purpose were distributed before the school day began without interfering with normal class operation or the rights of the student body. The school regulations in question prohibited all solicitations except for the Junior Red Cross, and this only with permission from local school authorities. The students' major claim was that the regulation was "overbroad."

The appellate court affirmed the lower court's position that the interferences the school wished to avoid were material, i.e., "the pressures upon students of multiple solicitations...the student body was a captive audience from which to solicit funds for various causes...this activity in effect competed with the school for student attention and interest." The court pointed out that its decision rested on "*demonstrable harm*" and not simply "undifferentiated fear of disturbance" and, therefore, was not in conflict with *Scoville v. Board of Education,* cited earlier.

The court also distinguished between regulations reasonable for high school students and those acceptable for college age students when it stated:

> ...[W]e proceed on the premise that a state may decide that the appropriate discipline which requires the restriction of certain communicative actions may differ in the cases of university students from that called for in the cases of the younger secondary school pupils in relatively similar circumstances.

(4) Non-Students Distinguished

In *State v. Owen,* 480 P. 2nd 766 (Washington, 1971), non-students were arrested for distributing materials on school grounds without prior permission from school authorities in violation of the following statute:

> Every...person except a person enrolled as a student... or parents or guardians of such students or persons employed by such school or institution, who without a lawful purpose therefore willfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto [is a vagrant].

The constitutionality of this statute was challenged for "vagueness" and for being "overbroad." The students contended that the regulation constituted an impermissible prior restraint on free speech based on the *Tinker v. Des Moines Independent Community School District* case. The court, however, did not consider the Tinker decision applicable because it did not concern the rights and obligations of non-students or others unassociated with the school community, and ruled to uphold the statute.

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SCHOOL CODES RELATING TO THE CONTENT AND DISTRIBUTION OF SCHOOL AND NON-SCHOOL PUBLICATIONS

CALIFORNIA LEGISLATION CONFIRMING AN EXPANSION OF STUDENT RIGHTS HAS RECENTLY BEEN ENACTED IN CALIFORNIA. SENATE BILL NO. 890 PROVIDES:

1971 REGULAR SESSION Ch. 947

SCHOOLS—PUPILS—EXERCISE OF FREE EXPRESSION

CHAPTER 947

SENATE BILL NO. 890

An act to add Sections 10611 and 25425.5 to, and to repeal Sections 9012 and 9013 of, the Education Code, relating to schools.

The people of the State of California do enact as follows:

SECTION 1. Section 9012 of the Education Code is repealed.

SEC. 2. Section 9013 of the Education Code is repealed.

SEC. 3. Section 10611 is added to the Education Code, to read:

10611.

Students of the public schools have the right to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, and other insignia, except that expression which is obscene, libelous, or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations, or the substantial disruption of the orderly operation of the school, shall be prohibited.

Each governing board of a school district and each county superintendent of schools shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each school within their respective jurisdictions, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

SEC. 4. Section 25425.5 is added to the Education Code, to read:

25425.5.

The governing board of any school district maintaining a community college shall adopt rules and regulations relating to the exercise of free expression by students upon the premises of each community college maintained by the district, which shall include reasonable provisions for the time, place, and manner of conducting such activities.

Such rules and regulations shall not prohibit the right of students to exercise free expression including, but not limited to, the use of bulletin boards, the distribution of printed materials or petitions, and the wearing of buttons, badges, or other insignia, except that expression which is obscene, libelous or slanderous according to current legal standards, or which so incites students as to create a clear and present danger of the commission of unlawful acts on community college premises, or the violation of lawful community college regulations, or the substantial disruption of the orderly operation of the community college, shall be prohibited.

Approved and filed Oct. 8, 1971.

AS A RESULT OF THIS CALIFORNIA LEGISLATION, THE CALIFORNIA BOARD OF EDUCATION RECENTLY PROMULGATED NEW "GUIDELINES FOR STUDENT EXPRESSION ON CAMPUS". THESE GUIDELINES RECOGNIZE THE RECENT EXPANSION OF STUDENT RIGHTS REGARDING CIRCULATION OF PETITIONS, CIRCULARS, NEWSPAPERS AND OTHER PRINTED MATTER AND THE USE OF BULLETIN BOARDS AND THE WEARING OF AN INSIGNIA. THE GUIDELINES STATE THAT STUDENTS SHOULD REALIZE THAT SUCH RIGHTS ARE SUBJECT TO REASONABLE TIME, PLACE AND MANNER OF RESTRICTIONS AND TO CERTAIN OTHER PROHIBITIONS. HOWEVER, THE GUIDELINES ALSO STATE THAT SCHOOLS SHOULD ENCOURAGE STUDENTS TO EXPRESS OPINIONS, TO TAKE STANDS, TO SUPPORT CAUSES, AND TO PRESENT IDEAS AND ALSO THAT THERE SHOULD BE NO PRIOR CENSORSHIP OR REQUIREMENT OF APPROVAL OF THE CONTENTS OR WORDING OF THE PRINTED MATERIALS RELATED TO STUDENT EXPRESSION ON CAMPUS. THE GUIDELINES DO NOT APPLY TO NON-STUDENTS AND ARE INTENDED TO BE AID TO EACH SCHOOL IN THE DRAFTING OF THEIR OWN GUIDELINES. THE GUIDELINES PROVIDE AS FOLLOWS:

CIRCULATION OF PETITIONS, CIRCULARS, NEWSPAPERS, AND OTHER PRINTED MATTER

Students should be allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Distribution should be subject to the following limitations:

1. TIME. The time of distribution should be limited to the hours before school begins, during the lunch hour, and after school is dismissed.
2. PLACE. The place of distribution should be reasonably restricted to permit the normal flow of traffic within the school corridors and entrance ways.
3. MANNER. The manner of distribution should be such that:
   (a) Coercion is not used to induce students to accept the printed matter or to sign petitions.
   (b) Funds or donations are not collected for the material distributed.
   (c) Leaflets and printed material to be distributed shall be submitted to the appropriate school official at least _____ hours prior to such distribution. The official may prohibit the distribution of printed matter by more than _____ students or groups of

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students in any one day.

(d) Materials printed for distribution are not left undistributed or stacked for pickup while unattended at any place in the school or on school grounds.

(e) No printed material or petitions which violate the hereinafter listed prohibitions may be distributed at any time on school grounds.

BUTTONS, BADGES, AND OTHER INSIGNIA OF SYMBOLIC EXPRESSION

Students should be permitted to wear buttons, badges, armbands, and other insignia as a form of expression, subject to the hereinafter mentioned prohibitions.

BULLETIN BOARDS

1. School administrators should provide reasonable bulletin board space for posting student announcements.

2. Student announcements should contain the date the announcement is posted. Such announcements should be removed after a prescribed reasonable time to assure fair access to bulletin boards for all students.

3. Announcements posted should be subject to the hereinafter mentioned prohibitions.

PROHIBITED MATERIAL

1. Material which is obscene to minors according to current legal definitions.

2. Material which is libelous according to current

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legal definitions.

3. Material which incites students so as to create a clear and present danger of the imminent commission of unlawful acts or of the substantial disruption of the orderly operation of the school.

4. Material which expresses or advocates racial, ethnic, or religious prejudice so as to create a clear and present danger of imminent commission of unlawful acts or of the substantial disruption of the orderly operation of the school.

5. Material which is distributed in violation of the time, place, and manner requirements.

DISCIPLINARY ACTION

Any student who wilfully and knowingly:

a. distributes any petitions, circulars, newspapers, and other printed matter;

b. Wears any buttons, badges, or other insignia;

c. Posts on a bulletin board any item, in violation of the aforementioned prohibitions should be suspended, expelled or otherwise penalized depending on the severity of the violation, and in accordance with established disciplinary procedures.

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GUIDELINES PROMULGATED BY THE NEW JERSEY COMMISSIONER OF EDUCATION GROWING OUT OF THE CASE OF GOODMAN V. THE BOARD OF EDUCATION, A 1971 NEW JERSEY CASE, ARE AS FOLLOWS:

GUIDELINES FOR DISTRIBUTION OF HIGH SCHOOL NEWSPAPERS AND LEAFLETS

A. Places: On the school sidewalk in front of the main entrance to building and the walk in front of the gym lobby. (In case of bad weather, two pupils only would be permitted each in the front main lobby and in the gym lobby. Specific approval to distribute materials inside would be required each time.)

B. Time: 7:45 - 8:15 a.m., 2:46 - 3:15 p.m.

C. Approval: The previous day or earlier by appropriate class dean or principal, if dean should be absent. For materials not readily classifiable or approvable, more than one day should be allowed.

D. Littering: All distributed items which are dropped in the immediate area (on the front sidewalk and lawn to the street, for example, or the two inside lobbies and adjacent corridor for 50-75 feet) must be removed by persons distributing material. Wastebaskets will be provided.

E. Unacceptable items: "So-called 'hate' literature which scurrilously attacks ethnic, religious and racial groups, other irresponsible publications aimed at creating hostility and violence, hardcore pornography, and similar materials are not suitable for distribution in the schools."

Materials denigrating to specific individuals in or out of the school.

Materials designed for commercial purposes--to advertise a product or service for sale or rent.

Materials which are designed to solicit funds, unless approved by the Superintendent or his assistant.

"Literature which in any manner and in any part thereof promotes, favors or opposes the candidacy of any candidate for election at any annual school election, or the adoption of any bond issue, proposal, or any public question submitted at any general, municipal or school election..."

F. Acceptable materials: Materials not proscribed in section F unless dean or principal should be convinced that the item would materially disrupt classwork or involve substantial disorder or invasion of the rights of others.

G. Appeal: Pupil denied approval may appeal to the principal who with a student advisory committee of one representative from each class will review the matter. Should the petition be denied, the petitioner may still appeal to the Superintendent, then to the Board of Education.

THE AMERICAN BAR ASSOCIATION, THROUGH ITS MODEL CODE FOR STUDENT RIGHTS RESPONSIBILITIES AND CONDUCT, HAS MADE THE FOLLOWING DECLARATION WITH REGARD TO STUDENT PUBLICATIONS:

Publications

17. A student, group, or organization may distribute written material on campus without prior approval providing such distribution does not disrupt the operations of the institution.

18. The student press is to be free of censorship. The editors and managers shall not be arbitrarily suspended because of student, faculty, administration, alumni, or community disapproval of editorial policy or content. Similar freedom is assured oral statements of views on an institution controlled and student operated radio or television station.

A. This editorial freedom entails a corollary obligations under the canons of responsible journalism and applicable regulations of the Federal Communications Commission.

19. All student communications shall explicitly state on the editorial page or in broadcast that the opinions expressed are not necessarily those of the institution or its student body.

FAIRFAX COUNTY, VIRGINIA'S STUDENT PUBLICATIONS CODE PROVIDES FOR THE FOLLOWING PROCEDURES:

SCHOOL PUBLICATIONS--STUDENTS ARE ENCOURAGED TO ESTABLISH SCHOOL NEWSPAPERS, YEARBOOKS, LITERARY MAGAZINES AND SIMILAR PUBLICATIONS. THE STUDENT EDITORIAL STAFF AND FACULTY ADVISOR WILL ESTABLISH EDITORIAL POLICY WHICH PROMOTES RESPONSIBLE JOURNALISM.

NON-SCHOOL PUBLICATIONS--THE STUDENT GOVERNMENT SHALL COORDINATE DISTRIBUTION OR DISPLAY BY STUDENTS ENROLLED IN THE SCHOOL OF NON-SCHOOL PUBLICATIONS WHICH MEET THE ABOVE GUIDELINES PROVIDED THEY ALSO BEAR THE NAME OF THE SPONSORING INDIVIDUAL(S) AND ARE NOT SOLD ON SCHOOL PROPERTY. THE PRINCIPAL, IN CONSULTATION WITH THE STUDENT GOVERNMENT, SHALL DETERMINE ADHERENCE OR NONADHERENCE TO GUIDELINES (CHAPTER II, SECTION 2) AND SHALL DESIGNATE A TIME, PLACE AND MANNER FOR DISTRIBUTION AND/OR DISPLAY OF SUCH PUBLICATIONS.

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THE SEATTLE PUBLIC SCHOOL SYSTEM, THROUGH ITS STATEMENT OF RIGHTS AND RESPONSIBILITIES FOR THE SEATTLE PUBLIC SCHOOLS, CLEARLY STATES ITS POLICY TOWARD STUDENT PUBLICATIONS IN THE FOLLOWING GUIDELINES:

10. FREEDOM TO PUBLISH

a. Students are entitled to express in writing their personal opinions. The distribution of such material may not interfere with or disrupt the educational process. Such written expressions must be signed by the authors.

b. Students who edit, publish or distribute handwritten, printed or duplicated matter among their fellow students within the schools must assume responsibility for the content of such publications.

c. Libel, obscenity, and personal attacks are prohibited in all publications.

d. Unauthorized commercial solicitation will not be allowed on school property at any time. An exception to this rule will be the sale of non-school-sponsored student newspapers published by students of the school district at times and in places as designated by the school authorities.

e. The distribution by students in school buildings or on school grounds of unlawful or political material whose content reflects the special interests of a political candidate or political organization is prohibited.

CONCLUSION

GUIDELINES OF AT LEAST A GENERAL NATURE SHOULD BE ESTABLISHED CLEARLY CATEGORIZING MATERIAL WHICH IS LIBELOUS, OBSCENE, SCANDALOUS, OR CLEARLY PROVOCATIVE AS UNACCEPTABLE. IT MAY WELL BE NECESSARY FOR {building} PRINCIPALS TO INSIST UPON THE RIGHT OF DISTRIBUTION, OR PRIOR REVIEW, TO ENSURE THAT THEY HAVE AN OPPORTUNITY TO MAKE THIS JUDGMENT. TO AVOID UNNECESSARY LEGAL CONFRONTATION, SUSPENSION, AND/OR DISRUPTION, SCHOOL REGULATIONS SHOULD PROVIDE FOR THE APPEAL OF THE {building} PRINCIPAL'S DECISION LEADING TO FINAL DETERMINATION BY THE BOARD. THIS WOULD AFFORD THE BOARD MORE PARTICIPATION IN CASE-BY-CASE PROCESS. IT WOULD ALSO AVOID THROWING AN IMPASSE IMMEDIATELY OVER TO THE COURTS AND ASSIST IN ACHIEVING UNIFORMITY WITHIN A PARTICULAR SCHOOL DISTRICT.

GENERALLY, THE RESTRICTIONS AND REGULATIONS GOVERNING RESPONSIBLE JOURNALISM, AS DEFINED BY THE AMERICAN SOCIETY OF NEWSPAPER EDITORS, SHOULD BE APPLIED WITH THE CLEAR UNDERSTANDING THAT SCHOOL OFFICIALS HAVE THE AUTHORITY, INDEED THE DUTY, TO PROVIDE FOR AN ORDERED EDUCATIONAL ATMOSPHERE FREE FROM CONSTANT TURMOIL AND DISTRACTION.